

By [Signature] on 11/15/05
(c) a layer of nylon consisting essentially of between 5 and 100 weight % of amorphous nylon and 0 and 95 weight % semicrystalline polyamide 6 having a weight between 10 and 30 grams per square meter contacting layer (b).

REMARKS

The Specification is amended to correct an obvious error. It is evident throughout the specification that layer (c) is applied to layer (b) and that layer (b) is not the paper layer, but instead is the ethylene-copolymer-or-grafted-ethylene-copolymer layer (see the claims).

Claims 1 is amended to overcome the rejections of claims 1 –7 under 35 U.S.C. 112, second paragraph, as being indefinite.

The units used in the claims are in-deed as noted in the office action. They have the ordinary meaning known to those skilled in the art, replete in the literature and patent as well as engineering standards. Applicant, in the interest of clarity but not limitation, has spelled out the units and included the ASTM standard based on page 2, lines 5 – 7 of the specification.

The word “adjacent” has been replaced with language that layer (a) is contacted by layer (b) and layer (b) is contacted by layer (c). Applicant maintains that this is clear from the specification taking into consideration, for example, the well-known representation for such evident at page 5, lines 5 – 6.

Claim 1 is further amended to make it clear that layer (c) is a nylon layer, not a nylon combined with a saponified ethylene vinyl ester copolymer as taught in Maruhashi.

Non-Art Objections and Rejections

Applicant requests reconsideration and withdrawal of non-art objections and rejections in view of the amendments to the claims.

Art Rejections

In view of the following remarks, Applicant requests reconsideration and withdrawal of the obviousness rejections of

1. Claims 1 – 4 and 6 – 7 under 35 U.S.C. 103(a) as unpatentable over Maruhashi (U.S. Patent 4,551,366) in view of Parks et al. (EP 0520767A1)
2. Claim 5 under 35 U.S.C. 103(a) as unpatentable over Maruhashi in view of Parks et al., as applied to claims 1 – 4 and 6 – 7, further in view of Zabrocki (U.S. Patent 4,883,837).

Obviousness over Maruhashi in view of Parks

Maruhashi relates to a flexible layered composite vessel (cup). The cup has a cup-shaped outer paper membrane and a flexible inner member suspended inside the outer layer. The inner member contacts and is adhered to the outer membrane at the rim (see figures and col. 5, ll. 14 –15) with a hot-melt adhesive (see col. 5, ll. 14 et seq.). The inner member can be a single-layer film or a laminate film (see col. 4, l. 66 to col. 5, l. 2). The film taught is a saponified ethylene vinyl ester copolymer (EVOH) blended with polyamide (see col. 6, ll. 21 – 25). There is no suggestion of an ethylene copolymer or grafted copolymer contacting the paper layer with a layer consisting essentially of nylon contacting the copolymer layer. In fact, Maruhashi would teach away from doing so in that it requires the nylon to be blended with the EVOH. Parks does not cure this defect. Using the amorphous nylon of Parks in Maruhashi film would still result in a paper cup with a suspended liner of a blend of EVOH and a nylon blend.

As for the rejection of claim 5, Applicant maintains that it cannot stand in view of the above remarks. At most, Zabrocki might suggest modifying the hot melt adhesive that secures the inner liner to the rim of the paper cup. This clearly is not a suggestion of the current invention.

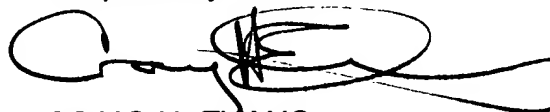
Obviousness over Maruhashi in view of Parks further in view of Zabrocki

As for the rejection of claim 5, Applicant maintains that it cannot stand in view of the above remarks. At most, Zabrocki might suggest modifying the hot melt adhesive that secures the inner liner to the rim of the paper cup. This clearly is not a suggestion of the current invention.

Conclusion

In view of the foregoing, Applicant believes that the Art and Non-Art rejections have been overcome and respectfully requests an allowance of the above-referenced application. If a telephone interview would be useful in advancing this case to early allowance, please call Applicant's attorney at the number below.

Respectfully submitted,



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Dated: 20 March 2001

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In showing the changes, deleted material is shown as struck through, and inserted material is shown as underlined.

IN THE SPECIFICATION

The paragraph on page 4 starting at line 26 has been changed as follows:

Layer (c) will be applied to ethylene-copolymer-or-grafted-ethylene-copolymer paper layer (b) at a weight between 10 and 30 g/m² to assure the desired oxygen and water vapor barrier levels of the present invention are met.

IN THE CLAIMS:

1 (amended) A flexible or semi-flexible packaging material with an oxygen barrier between 10 and 100 cubic centimeters of gas per square meter per day per atmosphere cc/m²d-atm as measured according to ASTM D 3985 and a water vapor barrier between 100 and 1000 grams per square meter per day g/m²d at 38°C and 90% relative humidity comprising

- (a) a layer of paper having a weight between 20 and 400 grams per square meter g/m²
- (b) a layer of ethylene copolymer or grafted ethylene copolymer having a weight between 1 and 5 grams per square meter g/m² contacting adjacent to layer (a), and
- (d) a layer of nylon consisting essentially of comprising between 5 and 100 weight % of amorphous nylon and 0 and 95 weight % semicrystalline polyamide 6 having a weight between 10 and 30 grams per square meter g/m² contacting adjacent to layer (b).